

Lexington, Kentucky April 20, 2006

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on April 20, 2006 at 7:00 P.M. Present were Mayor Teresa Ann Isaac in the chair presiding and the following members of the Council: Council Members Shafer, Stevens, Stinnett, Wigginton, Brown, Ellinger, Farmer, Gorton, Lane, McChord, Moloney and Myers. Absent were Council Members Scanlon, Cegelka and DeCamp.

The reading of the Minutes of the previous meetings was waived.

Ordinances No. 79-2006 thru 90-2006 inclusive and Resolutions No. 162-2006 thru 185-2006 inclusive were reported as having been signed and published, and were ordered to record.

Lexington, Kentucky April 20, 2006

The Invocation was given by State President Robert Hymas, Church of Jesus Christ of Latter Day Saints.

*

*

*

Upon motion of Mr. Farmer and seconded by Mr. Stinnett, the minutes of the April 11 and 13, 2006 Council Meetings were approved by unanimous vote.

*

*

*

Dr. Stevens presented a Commemoration hailing Henry Clay High School Blue Devils Hockey Team as Lexington Division and 2006 Kentucky High School Hockey League Champions and commending the team for an outstanding season, and introduced the players and Coach Rob Lagler.

Mr. Lagler stated his appreciation for the recognition, introduced the assistant coaches, and stated that the Blue Devils had won the last 2 out of 3 state championships.

*

*

*

Mr. McChord presented a Commemoration hailing and commending the 2006 Houchens Industries/Kentucky High School Athletics Association Sweet Sixteen State Champion Lexington Catholic Lady Knights Girls Basketball Team for an outstanding season, and introduced the players and Coach Greg Todd.

Mr. Todd praised the team members for their hard work and thanked the Mayor and Council for the recognition.

*

*

*

Mr. Ellinger presented a Commemoration hailing and commending the postal employees of the Gardenside Station for winning the 5 Star Customer Service Award,

Mr. Taylor, a representative of the post office, thanked the Mayor and Council on behalf of everyone at the Gardenside Station Post Office for the recognition.

*

*

*

An Ordinance changing the zone from a Neighborhood Business (B-1) zone to a Highway Service Business (B-3) zone for 0.23 net (0.40 gross) acre of property located at 717 North Broadway (Moe Sader) was on the docket for second reading.

Upon motion of Mr. Brown, seconded by Ms. Gorton and passed by majority vote (Mr. Wigginton voted no), the ordinance was removed from the docket because a public hearing on it will be held at a Special Council Meeting on May 30, 2006 at 6:00 p.m.

*

*

*

The following ordinances were on the docket for second reading.

Upon motion of Ms. Gorton, seconded by Mr. Farmer and passed by unanimous vote, pursuant to the Council Capital Expenditure Policy, passed by the Council on Thursday, April 13, 2006, the ordinances were removed from the docket and placed on the May 18, 2006 docket for second reading in order to comply with the thirty (30) day rule set forth in the Capital Expenditure Policy.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$25,000.00 in the Div. of Parks from the Council Capital Funds for the renovation of playground areas at Woodland Park, and appropriating and reappropriating funds, Schedule No. 165.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$6,000.00 in the Div. of Engineering from the Council Capital Funds for sidewalks in Eastland Parkway near Jennifer Road, and appropriating and reappropriating funds, Schedule No. 166.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$28,000.00 from the Council Capital Funds for the Corridors Program, and appropriating and reappropriating funds, Schedule No. 167.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$700.00 in the Div. of Parks from the Council Capital Funds for brick walk repairs at Gratz Park, and appropriating and reappropriating funds, Schedule No. 190.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$3,700.00 in the Div. of Parks from the Council Capital Funds for the purchase of benches and tables for Coolavin Park, and appropriating and reappropriating funds, Schedule No. 191.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$17,000.00 in the Div. of Parks from the Council Capital Funds for the resurfacing of the basketball court at Green Acres Park, and appropriating and reappropriating funds,

Schedule No. 192.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$36,650.00 in the Div. of Parks from the Council Capital Funds for path resurfacing and other projects at Duncan Park, and appropriating and reappropriating funds, Schedule No. 193.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$50,000.00 in the Div. of Streets, Roads and Forestry from the Council Capital Funds for repaving portions of Woodhill Drive, and appropriating and reappropriating funds, Schedule No. 194.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$45,000.00 in the Div. of Parks from the Council Capital Funds for playground equipment at River Hill Park, and appropriating and reappropriating funds, Schedule No. 195.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$19,000.00 in the Div. of Parks from the Council Capital Funds for site improvements to Shillito Park's Babe Ruth baseball fields, and appropriating and reappropriating funds, Schedule No. 196.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$80,950.00 in the Div. of Parks from the Council Capital Funds for park improvements in the Tenth Council District, and appropriating and reappropriating funds, Schedule No. 197.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$10,000.00 in the Div. of Streets, Roads and Forestry from the Council Capital Funds for plantings along Wolf Run Creek to help with flooding abatement, and appropriating and reappropriating funds, Schedule No. 198.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban

County Government to reflect current requirements for funds in the amount of \$5,000.00 in the Div. of Parks from the Council Capital Funds for tree barrier at the Veterans Park Fire Station, and appropriating and reappropriating funds, Schedule No. 199.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$12,200.00 in the Div. of Parks from the Council Capital Funds for sidewalk, path and signage improvements at Raven Run Nature Sanctuary, and appropriating and reappropriating funds, Schedule No. 200.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$15,000.00 in the Div. of Parks from the Council Capital Funds for a landscape buffer between Wellesley Heights Subdivision and Cardinal Run North Park soccer fields, and appropriating and reappropriating funds, Schedule No. 201.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$40,000.00 in the Div. of Parks from the Council Capital Funds for additional parking spaces at Mt. Tabor Park, and appropriating and reappropriating funds, Schedule No. 202.

* * *

The following ordinances were given second reading and passed by the following vote:

Aye: Shafer, Stevens, Stinnett, Wigginton, Brown, Ellinger,
Farmer, Gorton, Lane, McChord, Moloney, Myers ----- 12

Nay: ----- 0

An Ordinance changing the zone from a Wholesale and Warehouse Business (B-4) zone to a Highway Service Business (B-3) zone for 0.853 net and gross acre of property located at 2526 Regency Road, subject to certain use restrictions imposed as conditions of granting the zone change. (Frye Holdings, LLC)

An Ordinance changing the zone from a Wholesale and Warehouse Business (B-4) zone to a High Density Apartment (R-4) zone for 0.48 net (0.58 gross) acre of property located at 306, 310, 318 and 322 Foreman Avenue. (Edwards Communities)

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and

appropriating and reappropriating funds, Schedule No. 183.

An Ordinance authorizing the Mayor to accept a donation of \$4,750.00 from Barkham, Inc., for the Gainesway Community Empowerment Center for the purchase of drums and funding for sports activities and appropriating funds pursuant to Schedule No. 184.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Dept. of Military Affairs, Div. of Emergency Management, which grant funds are in the amount of \$182,382.00 Federal funds, are for continuation of the Chemical Stockpile Emergency Preparedness Program (CSEPP), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 185, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Dept. of Military Affairs, Div. of Emergency Management, which grant funds are in the amount of \$54,543.00 Federal funds, are for the support of emergency preparedness activities, the acceptance of which obligates the Urban County Government for the expenditure of \$54,550 as a local match, appropriating funds pursuant to Schedule No. 188, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the U.S. Dept. of Justice on behalf of the U. S. Attorney's Office, Eastern District of Ky., to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$153,583.00 Federal funds, are for the support of new and expanded anti-gang prevention and enforcement efforts under the Project Safe Neighborhoods (PSN) initiative, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2007 Schedule No. 7, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Transportation Cabinet, which grant funds are in the amount of \$290,967.00 (FHWA Planning), \$40,000.00 (Federal Transit Administration Section 5303), \$96,000 (Mobility Office (SLX)), and \$48,000.00 (Air Quality Planning (SLX)) Federal funds, are for the Div. of Planning Unified Work Program – FY 2007, the acceptance of which obligates

the Urban County Government for the expenditure of \$54,560.00 (FHWA Planning), \$10,000.00 (Federal Transit Administration), \$24,000.00 (Mobility Office (SLX)), and \$12,000.00 (Air Quality Planning (SLX)) as a local match, subject to sufficient funds being appropriated in FY 2007, appropriating funds pursuant to FY 2007 Schedule No. 8, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the Ky. Div. of Forestry, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$10,000.00 Federal funds, are for the FY 2007 Urban Forestry Project, the acceptance of which obligates the Urban County Government for the expenditure of \$10,000.00 as a local match, appropriating funds pursuant to FY 2007 Schedule No. 9, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Traffic Information Specialist, Grade 112E, creating one (1) position of Traffic Information Technician, Grade 112N, abolishing one position of Traffic Signal Technician Sr., Grade 112N; and creating one position of Traffic Signal Technician Master, Grade 114N, in the Div. of Traffic Engineering, and appropriating funds pursuant to Schedule No. 186.

* * *

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Cabinet for Health and Family Services, which grant funds are in the amount of \$435,945.00 Federal funds, are for continuation of the New Chance Program (\$328,045.00, the Local Governance Council Project (\$57,900.00), and the Peers Educating Peers Mentoring Project (\$50,000.00) in FY 2007, the acceptance of which obligates the Urban County Government for the expenditure of \$93,450.00 for the New Chance Program, \$13,550.00 for the Local Governance Council Project and \$39,440.00 for the Peers Educating Peers Mentoring Project, appropriating funds pursuant to FY 2007 Schedule No. 6, and authorizing the Mayor to transfer unencumbered funds within the grant

budget was given second reading and passed by the following vote:

Aye: Shafer, Stevens, Stinnett, Wigginton, Brown,
Ellinger, Farmer, Gorton, Lane, McChord, Moloney ----- 11

Nay: ----- 0
(Mr. Myers disqualified himself when the vote was taken.)

* * *

An Ordinance authorizing the Mayor to execute and submit the 2006 Consolidated Plan/Grant Application to the U. S. Dept. of Housing and Urban Development, to provide any additional information requested in connection with this grant application, and to accept the grant if the application is approved, which grant funds are in the amount of \$3,651,600 Federal funds, are for FY 2007 Community Development Block Grant Program (\$2,128,374), HOME Program (\$1,396,878), Emergency Shelter Grant Program (\$91,340) and the American Dream Down Payment Initiative (\$35,008), the acceptance of which obligates the Urban County Government for the expenditure of \$328,304 from various funding sources as local cash match and \$67,340 in-kind match; appropriating funds pursuant to FY 2007 Schedule No. 10; authorizing the Mayor to transfer unencumbered funds within the grant budget; and authorizing the Mayor to execute Agreements for the approved Plan was given second reading and passed by the following vote:

Aye: Shafer, Stevens, Stinnett, Ellinger,
Farmer, Gorton, Lane, McChord, Myers ----- 9

Nay: Wigginton, Brown ----- 2
(Mr. Moloney disqualified himself when the vote was taken.)

* * *

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 189 was given first reading.

Mr. Farmer made a motion, seconded by Dr. Stevens and passed by unanimous vote, to have a Special Council Meeting on Tuesday, April 25, 2006 at 3:30 p.m. for second reading of the ordinance.

The ordinance was ordered placed on file for public inspection until a Special Meeting to be held on April 25, 2006 at 3:30 p.m.

* * *

The following ordinances were given first reading and ordered placed on file two weeks for public inspection.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the Ky. Dept. of Juvenile Justice, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$228,717.00 Commonwealth of Ky. Funds, are for the Day Treatment Program (\$153,717.00) and the Intensive Community Services Program (\$75,000.00), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2007 Schedule No. 11, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the U.S. Dept. of Justice on behalf of the U.S. Attorney's Office, Eastern District of Ky., to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$156,693.00 Federal funds, are for the support of new and expanded Project Safe Neighborhoods activities, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2007 Schedule No. 12, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Donation of \$325.00 from the Fayette Co. Board of Education, for the Gainesway Community Empowerment Center to use at its discretion, and appropriating funds pursuant to Schedule No. 203.

An Ordinance authorizing the Mayor to execute an On-the-Job Training Agreement with Central Baptist Hospital, for the training of employees under the Workforce Investment Act Program, at a cost not to exceed \$65,000.00, and appropriating funds pursuant to Schedule No. 204.

An Ordinance authorizing the Mayor to execute an On-the-Job Training Agreement with Trane Company, for the training of employees under the Workforce Investment Act Program, at a cost not to exceed \$36,000.00 and appropriating funds pursuant to Schedule No. 204.

*

*

*

A Resolution authorizing the Mayor to execute Agreements with Wellington Homeowner's Association, Inc. (\$500.00), Golfview Estates Neighborhood Association,

Inc. (\$1,500.00), Hollywood-Mt. Vernon Neighborhood Association, Inc. (\$4,000.00), Cardinal Valley Elementary PTA, Inc. (\$550.00), Gainesway Community Empowerment Center Volunteer Board, Inc. (\$200.00), and Lexington Shakespeare Festival, Inc. (\$250.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated was on the docket for second reading.

Mr. Ellinger made a motion, seconded by Ms. Gorton, to remove the resolution from the docket until the May 18, 2006 Council Meeting for second reading pursuant to the Council Capital Expenditure Policy, passed by the Council on Thursday, April 13, 2006 in order to comply with the thirty (30) day rule set forth in the Capital Expenditure Policy.

Mr. Moloney asked a question of Mr. David Holmes, Commissioner of the Dept. of Law.

The motion was passed by unanimous vote.

The resolution was removed from the docket until May 18, 2006.

* * *

The following resolutions were given second reading and passed by the following vote:

Aye: Shafer, Stevens, Stinnett, Wigginton, Brown, Ellinger,
Farmer, Gorton, Lane, McChord, Moloney, Myers ----- 12

Nay: ----- 0

A Resolution accepting the bid of D. M. Anderson, Inc. establishing a price contract for area velocity flow modules, for the Div. of Sanitary Sewers.

A Resolution accepting the bid of Ulrich Chemicals, Inc. establishing a price contract for swimming pool chemicals for the Div. of Parks.

A Resolution accepting the bid of Bohnert Equipment Co., Inc., in the amount of \$35,981.00, for a close headroom electric hoist and trolley, for the Div. of Sanitary Sewers.

A Resolution accepting the bid of National Workwear, Inc., establishing a price contract for work shoes, for the Div. of Solid Waste.

A Resolution accepting the bid of United Refrigeration, Inc., establishing a price contract for programmable thermostats, for the Div. of Building Maintenance and Construction.

A Resolution authorizing the Mayor to execute and submit an application to the Ky. Dept. of Agriculture, to provide any additional information requested in connection with this application, and to accept participation in the U. S. Dept. of Agriculture's Donated Food

Program if the application is approved, for use in conjunction with the Child Care Food and National School Lunch Programs, the acceptance of which does not obligate the Urban County Government for expenditure of funds.

A Resolution authorizing the Mayor to execute and submit a Grant Application to the U. S. Dept. of Homeland Security and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of \$308,500.00 Federal funds under the Assistance to Firefighters Grant Program, and are for the retrofitting fifteen fire stations with exhaust extraction systems and the purchase of a fixed breathing air compressor.

A Resolution authorizing the Mayor to execute an Expansion Area Development Exaction Agreement with Ball-Bryant, LLC pursuant to Article 23 of the Zoning Ordinance setting out the type and cost of system improvements constructed by the developer in Expansion Area 2A, the amount of exaction credits earned, use for the exaction credits and amount of repayment to the developer from the development exaction fund.

A Resolution authorizing the Mayor to execute a Special Event Agreement with Lexington Joint Venture d/b/a Fayette Mall, for a Div. of Fire and Emergency Services Educational Display during EMS week, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute an Agreement with the University of Ky., for space in the University of Ky. Hospital Emergency Room for use as a clinical practice area for the Sexual Assault Treatment Program, at a cost not to exceed \$3,000.00.

A Resolution authorizing the Mayor to execute a Master Agreement Modification with the Ky. Dept. of Homeland Security, for extension of the expiration date of the agreement for use of grant funds to purchase a CBRNE (chemical, biological, radiological, nuclear and explosive) vehicle from March 31, 2006 to June 30, 2006, at no cost to the Urban County Government.

A Resolution approving, pursuant to Section 22-55.1 of the Code of Ordinances, the bond with surety of Theodore J. Hudson, Third District Constable, in the amount of \$10,000, and directing the Div. of Risk Management to record the bond, with surety, along with a certified copy of this Resolution, in the Office of the Fayette County Clerk.

A Resolution endorsing the Rural Secondary Road Program as proposed for FY 2007 by the Ky. Transportation Cabinet.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed conveying permanent bikeway, shared use trail and access easements and temporary construction easements from Pinnacle Development II, LLC, located at 4250 Clearwater Way, for the West Hickman Shared Use Trail, at no cost to the Government.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed conveying property located at 2866 Majestic View Walk from Masterson Properties, LLC, for pedestrian access to Masterson Station Park, at no cost to the Government.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement and permanent right-of-way from Steven Allan Arnett and Nancy Arnett, located at 829 East Loudon Avenue, for the Loudon Avenue Improvements Project, and authorizing payment in the amount of \$700.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Maintenance and Support Agreement with Motorola, Inc., for continued maintenance for the Live Scan 2000 fingerprint machine at the Detention Center, at a cost not to exceed \$6,252.00.

A Resolution authorizing the Mayor to execute Customized Training Service Agreements with Susan Kleier, D.M.D., and Robert Loy, D.M.D., for training in restorative dentistry for a dental assistant for each dentist, at a cost not to exceed \$825.00 (\$412.50 for each dental assistant).

A Resolution authorizing the Mayor to execute a Master Agreement Modification, to the Agreement authorized by Ordinance No. 5-2006, with the Ky. Dept. of Homeland Security, for extension of the agreement for grant funds to purchase CBRNE (chemical, biological, radiological, nuclear and explosive) equipment from March 31, 2006 to June 30, 2006, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute a Contract with Waterford Homeowners Association, for retention pond improvements, at a cost not to exceed \$12,095.00.

A Resolution authorizing the Mayor to execute a Contract with Woodfield Homes Association, Inc., for retention pond improvements, at a cost not to exceed \$5,000.00.

A Resolution authorizing the Mayor to execute a Contract with Palomar Hills Community Association, Inc., for retention pond improvements, at a cost not to exceed \$4,442.00.

A Resolution authorizing the Mayor to execute Concession Contracts with Dixie Youth Baseball for Mary Todd Park, Southwest Lexington Pony Baseball for Cardinal Run Park, Gardenside Little League for Cardinal Run Park, Kirklevington Senior Baseball for Kirklevington Park, South Lexington Youth Baseball for Shillito Park, Bluegrass Girls Fastpitch for Cardinal Run Park, Northern Babe Ruth for Constitution Park, Southeastern Babe Ruth for Veterans Park, South Lexington Babe Ruth for Shillito Park, Northern Cal Ripken for Kenawood Park and Southeastern Cal Ripken for Crosby Park, to provide concessions at Government owned ballfields for the benefit of the youth in the community, at no cost to the Urban County Government.

A Resolution accepting the bid of Walter Martin Excavating, Inc. in the amount of \$65,408.75, for Squires Hill Lane Culvert replacement.

* * *

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from Felix Williams and Geraldine Williams, for property located at 1621 Old Paris Road, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$9,725.00, plus usual and appropriate closing costs was given second reading and passed by the following vote:

Aye: Shafer, Stevens, Stinnett, Wigginton, Brown,
Ellinger, Farmer, Gorton, Lane, McChord, Myers ----- 11

Nay: Moloney ----- 1

* * *

The following resolutions were given second reading.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the Contract with CDP Engineers, Inc., for design services for South Elkhorn Pump Station and Force Main Improvement Project, increasing the contract price by the sum of \$114,000.00 from \$340,000.00 to \$454,000.00.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the Contract with Bluegrass Contracting Corp., for construction of the I-75 Noise Abatement

Project, increasing the contract price by the sum of \$92,213.00 from \$372,637.50 to \$464,850.50.

Mr. Brown asked the Mayor and Mr. Farmer about the reasons for the change orders.

The resolutions passed by the following vote:

Aye: Shafer, Stevens, Stinnett, Wigginton, Brown, Ellinger,
Farmer, Gorton, Lane, McChord, Moloney, Myers ----- 12

Nay: ----- 0

* * *

The following resolutions were given second reading.

A Resolution authorizing the Mayor to execute Change Order No. 2 to the Contract with Quest Engineers, Inc., for the Design of the I-75 Noise Abatement Project, increasing the contract price by the sum of \$6,000.00 from \$132,000.00 to \$138,000.00.

A Resolution authorizing the Mayor to execute Change Order No. 2 to the Contract with Walker Co., for Haley Pike Landfill Closure, increasing the contract price by the sum of \$169,986.39 from \$4,960,969.50 to \$5,130,955.89.

Mr. Brown asked the Mayor about the reasons for the change orders.

The resolutions passed by the following vote:

Aye: Shafer, Stevens, Stinnett, Wigginton, Ellinger,
Farmer, Gorton, Lane, McChord, Moloney, Myers ----- 11

Nay: Brown ----- 1

* * *

A Resolution authorizing the Mayor to execute Lease Agreement with Xerox, for a 48-month lease of a new copier/fax machine, at a cost not to exceed \$5,244.72 annually was given first reading.

Upon motion of Ms. Gorton and seconded by Mr. Farmer, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye: Shafer, Stevens, Stinnett, Wigginton, Brown,
Ellinger, Farmer, Gorton, McChord, Moloney, Myers ----- 11

Nay: Lane ----- 1

* * *

Upon motion of Mr. Moloney, seconded by Mr. Ellinger and passed by majority vote (Mr. Wigginton voted no), a Resolution accepting the proposal of Clean Harbors

Environmental Services, in the amount of \$100,000.00, for hazardous waste collection services for the Spring Clean 2006 was placed on the docket and given first reading.

Upon motion of Ms. Shafer and seconded by Mr. Ellinger, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye: Shafer, Stevens, Stinnett, Ellinger, Farmer,
Gorton, Lane, McChord, Moloney, Myers ----- 10
Nay: Wigginton, Brown ----- 2

* * *
The following resolutions were given first reading and ordered placed on file two weeks for public inspection.

A Resolution accepting the bid of TP Mechanical Contractors, in the amount of \$48,531.00, for HVAC controls system replacement for the Agricultural Extension Building.

A Resolution accepting the bids of Lexington Tree Service, A Professional Tree Service, and B & R Spraying Systems, LLC, establishing price contracts for tree removal for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of Precision Products, LLC establishing a price contract for collision reconstruction hardware and software, for the Div. of Police.

A Resolution accepting the bid of Bobcat Enterprises, Inc., in the amount of \$26,996.70, for one (1) skid steer loader for the Div. of Fleet Services.

A Resolution accepting the bid of Rehrig-Pacific Company establishing a price contract for yard waste roll carts, for the Div. of Solid Waste.

A Resolution authorizing the Mayor to execute a Customized Training Services Agreement with Fuller, Mossbarger, Scott & May Engineers, Inc., for Civil 3-D Essentials training for 12 employees, at a cost not to exceed \$8,976.00.

A Resolution authorizing the Mayor to execute an Assignment of All Rights Agreement with Lester Boyd, doing business as Unity Marketing Group, Inc., for acquisition of all right, title and interest in and to the artwork used with the “Horse Capital of the World” trade/service mark, at a cost not to exceed \$5,000.00.

A Resolution authorizing the Mayor to execute an Agreement with the Dept. for Corrections, Blackburn Correctional Complex, for mowing and baling hay at Masterson Station Park, at no cost to the Government.

A Resolution authorizing the Mayor to execute an Engagement Letter with Mountjoy & Bressler, LLP, for audit of the financial statements for the year ended June 30, 2006, at a cost not to exceed \$92,500.00.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed for roadway improvements conveying a temporary construction easement from Jonathan Hensley and Lynetta Hensley, located at 660 East Loudon Avenue, for the Loudon Avenue Improvements Project, and authorizing payment in the amount of \$375.00, plus usual and appropriate closing costs.

*

*

*

The following resolutions were given first reading

Mr. Farmer made a motion, seconded by Dr. Stevens and passed by unanimous vote, to have a Special Council Meeting on Tuesday, April 25, 2006 at 3:30 p.m. for second reading of the resolutions.

A Resolution accepting the bid of Spectrum Contracting Services, Inc., in the amount of \$149,869.00, for renovation of the seventh floor of the Phoenix Building.

A Resolution authorizing the Mayor to execute a Service Agreement with Marsh USA, Inc., to broker excess insurance for a period from July 1, 2006 through June 30, 2009, with option to renew for two additional years, at a cost not to exceed \$79,000 per year, subject to sufficient funds being budgeted in the appropriate fiscal years.

A Resolution authorizing the Mayor to execute an Agreement with ADR Security Services, for the installation of a security system for LexCall and GTV3, at a cost not to exceed \$1,718.40.

A Resolution authorizing the Mayor to execute a Subordination Agreement with Chase Bank and Tommy and Sharon Midkiff, for subordination of a financial assistance program mortgage on property located at 135 Henton Road, at no cost to the Government.

A Resolution authorizing the Mayor to execute and submit a Grant Application to the Ky. Office of Homeland Security and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of \$4,236,495.00 Federal funds, and are for hardening of critical infrastructure (\$108,000.00), enhancing capabilities to respond to CBRNE (chemical, biological, radiological, nuclear, explosive) events through the purchase of mole vests, gunshot trauma kits and gas masks filters (\$112,900.00), a Sky Watch Frontier Tower (\$131,325.00), and a Dual Sensor

Imaging System and Video Downlink System for the Police Helicopter (\$585,000.00), purchase of CBRNE Incident Response Vehicle and equipment (\$331,600.00), the development and enhancement of the Interoperable Communications Systems (\$2,952,870.00), and the establishment and enhancement of the Cyber Security Program (\$14,800.00), for the Div. of Police.

A Resolution authorizing the Mayor to execute and submit a Grant Application to the Ky. Office of Homeland Security on behalf of the Fayette Co. Sheriff's Office and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of \$352,316.00 Federal funds, and are for the development and enhancement of Interoperable Communications Systems.

A Resolution authorizing the Mayor to execute and submit a Grant Application to the Ky. Office of Homeland Security and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of \$2,145,760.00 Federal funds, and are for WMD/CBRNE (chemical, biological, radiological, nuclear, explosive) hazardous materials vehicle and equipment (\$1,470,760.00), WMD/CBRNE logistical support vehicle and equipment (\$580,000.00) and communications equipment (\$95,000.00), for the Div. of Fire.

A Resolution authorizing the Mayor to execute and submit a Grant Application to the Ky. Office of Homeland Security and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of \$713,030.00 Federal funds, and are for an Emergency Notification System (\$98,000.00), the purchase of equipment and software for an Automated Command and Control System (\$144,000.00), Community Emergency Response Teams (\$19,033.00), the Alert A.M. Emergency Advisory Radio System (\$60,000.00), the Metropolitan and Medical Response System (\$190,000.00), sustaining an existing Citizens Emergency Response Team Project (\$997.00), and a Mobile Emergency Operations Center/Interoperable Communications Vehicle (\$251,000.00), for the Div. of Environmental and Emergency Management.

A Resolution authorizing the Mayor to execute and submit a Grant Application to the Governor's Office of Local Development on behalf of Cove Haven, Inc., and to provide any additional information requested in connection with this grant application, which grant

funds are in the amount of \$25,000.00 Commonwealth of Ky. Funds from the Cemetery Preservation Fund, and are for preservation of Cove Haven Cemetery.

A Resolution authorizing the Mayor to execute and submit a Grant Application to the Governor's Office of Local Development and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of \$47,200.00 Federal funds under the FY 2006 Recreational Trails Program, and are for the Harrods Hill Park Trail (2,600 feet), the Beaumont Preserve Trail (2,000 feet) and a Raven Run Trail (2,000 feet).

A Resolution Council endorsing the selection of Ann Street as the street for extending the Bluegrass Aspendale Collector Street from the Lexington Housing Authority property to Midland Avenue as part of the Hope VI Project.

A Resolution authorizing the Div. of Parks to change the name of Meadowthorpe Park to Meadowthorpe Louie Mack Park.

*

*

*

Upon motion of Mr. Lane, seconded by Dr. Stevens and passed by unanimous vote, a Resolution adjusting the salary of Vicki Steele, Staff to Council II, Grade 000E from \$1,571.44 bi-weekly to \$1,840.67 bi-weekly, in the Office of the Urban County Council, effective retroactive to October 1, 2005 was placed on the docket and given first reading.

Mr. Brown asked Mr. Lane about the resolution.

The resolution was ordered placed on file for public inspection until a Special Meeting to be held on April 25, 2006 at 3:30 p.m.

*

*

*

The report from the Div. of Building Inspection for the month of March, 2006 was received and ordered filed.

*

*

*

Police Chief Anthony Beatty stated that Officer Susan Torrey has committed the offense of Unbecoming Conduct in violation of KRS 95.450 and General Order 73-2/G, Section 1.02 in that on the 2nd through 27th days of December, 2005 she transmitted numerous messages via her MDC to Officer Joseph Sallee; the content of the messages contained veiled language that was sexually suggestive and inappropriate; additionally, the messages contained discussion regarding ways to avoid being detected when engaging in this type of discussion on their MDC; Officers had previously

been warned on many occasions that this behavior was inappropriate and unacceptable and that the appropriate punishment for this conduct is a Letter of Reprimand.

Upon motion of Ms. Shafer and seconded by Ms. Gorton, the disciplinary action was approved by unanimous vote.

*

*

*

Police Chief Anthony Beatty stated that Officer Joseph Sallee has committed the offense of Unbecoming Conduct in violation of KRS 95.450 and General Order 73-2/G, Section 1.02 in that on the 2nd through 27th days of December, 2005 he transmitted numerous messages via his MDC to Officer Susan Torrey; the content of the messages contained veiled language that was sexually suggestive and inappropriate; additionally, the messages contained discussion regarding ways to avoid being detected when engaging in this type of discussion on their MDC; Officers had previously been warned on many occasions that this behavior was inappropriate and unacceptable and that the appropriate punishment for this conduct is a Letter of Reprimand.

Upon motion of Ms. Shafer and seconded by Ms. Gorton, the disciplinary action was approved by unanimous vote.

*

*

*

Mr. Stinnett announced that Mr. Scanlon's wife had been in a car accident.

The Council sent their prayers and wished her a speedy recovery.

*

*

*

Mr. Bernard McCarthy, 515 Harry Street, requested that the Mayor and Council not use part of the Rainy Day Fund to balance the budget, and he spoke against the selection of Ann Street as the street for extending the Bluegrass Aspendale Collector Street.

*

*

*

Mr. Paul Douthitt, 548 Green Valley Drive, stated problems that had occurred with the "pooper scooper" law.

The Mayor asked Mr. Douthitt to speak with Mr. Rick Curtis, Dept. of Public Safety, to resolve his concerns.

*

*

*

The Council adjourned at 7:58 p.m.

Clerk of the Urban County Council